

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTHONY G. FOOTE,)	Case No.: 4:19 CV 1958
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
Defendant)	<u>ORDER</u>

Defendant the Commissioner of Social Security (“Commissioner”) denied Plaintiff Anthony Foote’s (“Plaintiff” or “Foote”) application for Supplemental Security Income and Disability Insurance Benefits. Plaintiff sought judicial review of the Commissioner’s decision, asserting two errors: (1) the Administrative Law Judge (“ALJ”) did not give proper weight to the opinions of Plaintiff’s doctors, and (2) the ALJ violated Plaintiff’s right to due process and a full and fair hearing by ignoring testimony from the second administrative hearing. (Pl.’s Br. at PageID #1076, ECF No. 13.) The Commissioner filed a Response Brief opposing Plaintiff’s arguments. (ECF No. 18.) Pursuant to Local Rule 72.2(b)(1), the court referred the case to Magistrate Judge Carmen Henderson (“Magistrate Judge” or “Judge Henderson”) to prepare a Report and Recommendation (“R & R”).

Judge Henderson submitted an R & R on November 30, 2020, recommending that the court overrule Plaintiff’s statement of errors and affirm the Commissioner’s decision. (ECF No. 20.) First, the R & R finds that the ALJ properly discounted testimony from Plaintiff’s neurologist, Dr. Karla

Madalin, due to inconsistencies between Dr. Madalin's stated opinions and her treatment records. (*Id.* at PageID #1173–78.) The R & R also determines that the ALJ gave full and persuasive explanations for the decision to only partially credit Dr. Madalin's opinions. (*Id.*) Likewise, the R & R finds that the ALJ properly discounted the opinions of Plaintiff's clinical psychologist, Dr. Dennis McArthur, which were inconsistent with the record as a whole and with Dr. McArthur's own treatment notes. (*Id.* at PageID #1179–83.) Finally, given the ALJ's repeated references and citations to testimony from the second administrative hearing, the R & R rejects as meritless Plaintiff's claim that the ALJ improperly ignored that testimony. (*Id.* at PageID #1184–85.)

Neither party submitted objections, which were due by December 14, 2020. Accordingly, this matter is ripe for review.

The court finds, after careful *de novo* review of the R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Henderson's R & R (ECF No. 20). The court hereby affirms the Commissioner's decision.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

December 18, 2020